

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

17826-17875

[Approved by the Secretary of Agriculture, Washington, D. C., May 25, 1931.]

17826. Misbranding of Q. W. worm capsules, Q. W. worm mixture, and Q. W. condition powder. U. S. v. 11 Boxes of Q. W. Worm Capsules, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 25293, 25295, 25296, 25297. I. S. Nos. 4793, 4794, 4795, 15330. S. Nos. 3551, 3553.)

Examination of samples of the herein-described drug products having shown that the labels bore claims of curative properties that the articles did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On November 6, 1930, the United States attorney filed in the United States District Court libels praying seizure and condemnation of 33 boxes of Q. W. worm capsules, 12 bottles of Q. W. worm mixture, and 5 cans of Q. W. condition powder, remaining in the original unbroken packages at New York, N. Y., alleging that the articles had been shipped by the Q. W. Laboratories, from Bound Brook, N. J., in various consignments, on or about September 18, September 29, and October 14, 1930, respectively, and had been transported from the State of New Jersey into the State of New York, and charging misbranding in violation of the food and drugs act as amended. On November 10, 1930, an amended libel was filed with respect to portions of the articles.

Analyses of samples of the articles by this department showed that the Q. W. worm capsules contained chenopodium oil, colored with a red dye; the Q. W. worm mixture consisted essentially of castor oil containing a small amount of chenopodium oil; and the Q. W. condition powder consisted essentially of sulphur and charcoal.

It was alleged in the libels that the articles were misbranded in that the following statements regarding the curative or therapeutic effects of the articles, appearing in the labeling, were false and fraudulent, since the articles contained no ingredients or combinations of ingredients capable of producing the effects claimed: (Q. W. worm capsules, carton) "Worm Capsules;" (circular) "Worm Capsules for use as an aid in the treatment of Round, Stomach or Maw Worms, * * * Seat Worms, Whip Worms and other similar ordinary stomach or intestinal parasites in Dogs, Cats, Foxes and other similar domestic animals;" (Q. W. worm mixture, bottle) "Worm Mixture for use as an aid in the treatment of Worms in Dogs, Cats, Foxes, Etc.;" (Q. W. condition powder, can) "Condition Powder for use as an aid in putting and keeping Dogs, Cats, Poultry, Etc., in good Physical Condition * * * For Use as an Aid In; Purifying blood and stomach; correcting indigestion; * * * Treating eczema and other skin diseases due to impure blood or bad digestion; All around conditioning dogs off feed or dozey; Giving new vim, pep and energy, Stimulating and aiding digestion; Assisting puppy growth; Treatment of distemper; Preventing worms. Good for man or beast * * * A teaspoonful a day for a few days will help to Put the dog into condition. A teaspoonful

twice a week will help to permanently keep the dog in condition. Very valuable to use with Q. W. Worm Mixture to help rid badly infested dogs of worms and with Q. W. Dog Soap to help treat Mange and Eczema."

On December 4, 1930, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17827. Misbranding of D-O-D. U. S. v. 12 Small Cans of D-O-D. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24649. I. S. No. 017842. S. No. 2980.)

An examination of samples of a product, known as D-O-D, from the herein-described interstate shipment having shown that the labeling bore certain curative and therapeutic claims that were not justified by its composition, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Ohio.

On March 29, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 12 small cans of D-O-D at Columbus, Ohio, consigned by the C. Nelson Smith Co., February 12, 1930, West Allis, Wis., alleging that the article had been shipped in interstate commerce from West Allis, Wis., into the State of Ohio, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of magnesium sulphate, potassium permanganate, and sodium bicarbonate.

The article was labeled in part: "For sore throat, stomach and bowel troubles * * * For gangrene, * * * sore * * * feet, barber's itch * * * cholera morbus, colic * * * sores, eczema, * * * other skin diseases."

It was alleged in the libel that the article was misbranded in that the above-quoted statements borne on the label were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On September 8, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17828. Misbranding of Leonardi's elixir. U. S. v. 7½ Dozen Bottles of Leonardi's Elixir. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25248. I. S. No. 6846. S. No. 3531.)

Examination of samples of a drug product, known as Leonardi's elixir, from the herein-described interstate shipments having shown that the labels bore claims of curative and therapeutic properties that the article did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Louisiana.

On October 31, 1930, the United States attorney filed in the United States District Court a libel praying seizure and condemnation of seven and one-half dozen bottles of Leonardi's elixir, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by S. B. Leonardi & Co. (Inc.), New York, N. Y., in part on or about May 2, 1929, and in part on or about August 2, 1930, and had been transported from the State of New York into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended. The two lots of the article bore different labelings and were contained in packages labeled in part, respectively: "Leonardi's Elixir for the Blood" and "Leonardi's Elixir The Alterative Tonic."

Analysis of a sample of the article by this department showed that it consisted essentially of potassium iodide, extracts of plant drugs, a small proportion of an iron compound, alcohol, sugar, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Packages labeled "Leonardi's Elixir for the Blood," carton) "Elixir for the Blood * * * contains ingredients that render it useful in conditions where the blood is depraved or impoverished extensively used as an alterative in scrofulous conditions, indolent ulcers, malarial debility, gout, chronic rheu-